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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/929,210	08/13/2001	Timothy Y. Chow	13031US01	2138
23446	7590	10/31/2005	EXAMINER	
MCANDREWS HELD & MALLOY, LTD 500 WEST MADISON STREET SUITE 3400 CHICAGO, IL 60661			SAM, PHIRIN	
			ART UNIT	PAPER NUMBER
			2661	

DATE MAILED: 10/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. <b>09/929,210</b>	Applicant(s) CHOW ET AL.	
	Examiner Phirin Sam	Art Unit 2661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 June 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-50 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-28 is/are allowed.
- 6) ☒ Claim(s) 29,33,34,41 and 48-51 is/are rejected.
- 7) ☒ Claim(s) 30-32,35-40,42-44,46 and 47 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.



### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**PHIRIN SAM**  
**PRIMARY EXAMINER**

## DETAILED ACTION

### *Claim Objections*

1. Claims 32-50 are objected to because of the following informalities:

Regarding claims, there are two of claim 32 and please make the correction of all claims 32-50.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 29, 33, and 34 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent 6,853,641 (hereinafter referred as “Lindhorst-Ko”).

Lindhorst-Ko discloses the invention (**claim 29**) as claimed including an apparatus for use in a communication system, the apparatus comprising:

- (a) a source network containing a source node (see Fig. 1, elements 12, A, and D, col. 3, lines 16-25);
- (b) a destination network containing a destination node (see Fig. 1, elements 14, B, and E, col. 3, lines 16-25);
- (c) wherein at least one of said source network and said destination network is a mesh network (see Fig. 1, col. 3, lines 16-20, 33-38);

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- (d) a first route from the source network to the destination network wherein the first route employs a first connection between the source network and said destination network (see Fig. 1, elements 15-17, col. 3, lines 22-25);
- (e) a second route from the source network to the destination network, wherein said second route employs a second connection between the source network and the destination network wherein said second route is not identical to said first route (see Fig. 1, elements 20-23, col. 3, lines 25-29 or 29-32);
- (f) a first data set originating from the source node and passing the first connection (see Fig. 1, col. 3, lines 22-25);
- (g) a second data set comprising a copy of the first data set and passing through the second connection (see Fig. 1, col. 3, lines 39-42, 62-66).

**Regarding claim 33 (incorrectly claim 32),** Lindhorst-Ko discloses a selector within the destination network capable of choosing one of the first set of data and the second set of data to forward to the destination node (see Fig. 1, col. 3, lines 43-44).

**Regarding claim 34 (incorrectly claim 33),** Lindhorst-Ko discloses the second set of data is created by the source node (see Fig. 1, col. 3, lines 39-42).

4. Claims 41, 45, and 48-51 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent 6,628,649 (hereinafter referred as "Raj").

**Regarding claims 41 and 51 (incorrectly claims 40 and 50),** Raj discloses a method for inter-working communications, the method comprising:

- (a) creating a source network containing a source node (see Fig. 6, elements 210 and 212, col. 18, lines 25-29);

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- (b) creating a destination network containing a destination node, wherein at least one of the source network and the destination network is a mesh network (see Fig. 6, elements 211 and 213, col. 18, lines 25-29);
- (c) defining a first route between the source network and the destination network, wherein the first route employs a first connection between the source network and the destination network (see Fig. 6, element 230-1, col. 18, lines 34-43);
- (d) defining a second route between the source network and the destination network wherein the second route employs a second connection between source network and said destination network where the second route is not identical to the first route (see Fig. 6, element 230-2, col. 18, lines 34-43);
- (e) generating a first data set and transmitting the first data set from the source node through the first connection (see Fig. 6, element 230-1 IP DATA, col. 18, lines 56-62);
- (f) creating a second data set comprising a copy of the first data set and transmitting to the second connection (see Fig. 6, col. 18, lines 63-67, and col. 19, lines 1-19).

**Regarding claim 48 (incorrectly claim 47),** Raj discloses the creating of the second data set occurs before the transmitting of the first data set (see Fig. 6, col. 18, lines 66-67, and col. 19, lines 1-5). Wherein data are duplicated or copied before transmitting through the first connection.

**Regarding claim 49 (incorrectly claim 48),** Raj discloses creating an additional copy of the first data set after the loss of the second data set and transmitting the additional copy of the first data set along a path distinct from the path of the first data set (see Fig. 6, col. 18, lines 66-

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67, col. 19, lines 1-9). Wherein additional copy of the first data set sent through the connection 230-N.

**Regarding claim 50 (incorrectly claim 49),** Raj discloses creating an additional copy of the second data set after the loss of the first data set and transmitting the additional copy of the second data set along a path distinct from the path of the second data set (see Fig. 6, col. 18, lines 66-67, and col. 19, lines 1-9). Wherein additional copy of the second data set sent through the connection 230-N.

***Allowable Subject Matter***

5. Claims 30-32, 35-40 (incorrectly 34-39), 42-45 (incorrectly 41-44), 46 (incorrectly 45), and 47 (incorrectly 46) are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. Claims 1-28 are allowed.

***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

(1) US Patent 6,947,374 (Sasaki et al) discloses apparatus for user connection setting in a connection oriented mode communication system.

(2) US Patent 6,934,248 (DeBoer et al) discloses apparatus and method for optical communication protection.

(3) US Patent 6,658,457 (Nishikawa et al) discloses device and method for interconnecting distant networks through dynamically allocated bandwidth.

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(4) US Patent 6,556,541 (Bare) discloses MAC address learning and propagation in load balancing switch protocols.

(5) US Patent 5,838,924 (Anderson et al) discloses ATM connection protection switching apparatus and method.


8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phirin Sam whose telephone number is (571) 272-3082. The examiner can normally be reached on a compress schedule, from 8:00-5:30, first Wed off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau T. Nguyen can be reached on (571) 272 - 3126. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Respectfully submitted,

Date: October 29, 2005

  
\_\_\_\_\_  
**PHIRIN SAM**  
**PRIMARY EXAMINER**